GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri D. Venugopal, S/o Sri D.Dhananjaya Reddy, R/o, 4A/20, Anna Street, Venkata Krishna Nagar, Arumbakkam, Chennai, Tamil Nadu, against the Proceedings D.Dis.No.C3/2119/1993, dated 31.07.2013 of the District Collector, Chittoor - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms. No.75 **Dated:10.06.2016**

Read the following:

1. Proceedings of the District Collector, Chittoor D.Dis.No.C3/2119/1993, dated 31.07.2013.
2. Appeal Petition filed by Sri D. Venugopal, S/o D.Dhananjaya Reddy, R/o, 4A/20, Anna Street, Venkata Krishna Nagar, Arumbakkam, Chennai, Tamil Nadu before M(TW), No.280/M(TW)/2013, dt. 03.12.2013.
3. Govt. Memo No.13412/CV.2/2013, dt.20.12.2013.
4. From the Dist. Collector, Chittoor, Lr. Roc.No. C3/78/2014, dated:17.01.2014.
5. Govt. Memo No.13412/CV.2/2013, dt.27.05.2015.
6. Govt. Memo No.13412/CV.2/2013, dt. 16.10.2015.

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ORDER:

In the reference 1st read above the District Collector, Chittoor has issued orders canceling ST- Konda Kapu Caste Certificate obtained from the then Tahsildar, Satyavedu in 1973 by Sri D. Venugopal, S/o Sri D.Dhananjaya Reddy.

2. In the reference 2nd read above, Sri D. Venugopal, S/o Sri D.Dhananjaya Reddy has filed an Appeal Petition before the Government against the said Proceedings of the District Collector, Chittoor. After examining the said Appeal Petition, Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, Chittoor in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Chittoor has furnished the Parawise remarks and connected records on the said Appeal Petition filed by Sri D. Venugopal, S/o Sri D.Dhananjaya Reddy.

4. The said Appeal Petition has been posted for hearing on 20.06.2015 & finally on 31.10.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 5th & 6th read above. The Appellant & Counsel for the Appellant have not attended said hearing as requested in the reference 6th read above.

5. During the hearings after heard both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Chittoor and proceedings of the District Collector, Chittoor dated 31.07.2013, it is observed by the Appellant Authority that:

I. The appellant in his grounds has stated that the father of the appellant herein belongs to “Kondakapu” caste and the same was recorded in the service register of the father of the Appellant.

II. According to the guidelines issued by the Govt. in respect of “Konda Kapu”

[P.T.O]

and the “Konda Reddy” are distinct groups entirely different from the plain living Kapus and Reddies without any similarities in their habitational, Cultural, Communal, Social and Economic matters. The Konda Kapu’s inhabit the Forest and mountains tracts and subsist on shifting cultivation and gathering minor Forest produce. The konda Kapu also call themselves as Konda Doras assuming that they are living chiefly in the Scheduled areas of East, West Godavari and Khammam Districts are quite different from Reddies living in the plain areas of A.P.

III. Further it is found that at the time of earlier DLSC, the appellant not produced any recorded evidence to prove that his ancestors are permanent resident of agency area and the appellant father’s SR No.2228/52, dt.18.06.1952 where in his father’s caste is recorded as Konda Kapu. But name of the employee is noted as Devireddy Dhananjayudu S/o D. Krishna Reddy. Where as in other documents the appellant’s father name is mentioned as D. Dhananjaya Reddy.

IV. Though there are certain missing links like the ancestral history from East Godavari District and details of his father’s, brothers and Sisters’, based on the preponderance of evidence dating back to 1952, the DLSC has concluded that the appellant belongs to kodakapu as claimed by him and the caste certificates issued to him by Revenue authorities are correct and genuine and report sent to the then District Collector, Chittoor and the same was not approved by the then Collector. Whereupon it was once again referred to DLSC by the District Collector for fresh enquiry the DLSC conducted further enquiry and submitted that the Tahsildar and MEO concerned were examined and the appellant himself attended for enquiry before DLSC for (3) times. The Tahsildar, Sathyavedu also submitted his report.

V. After the said enquiry, the DLSC issued notice to the appellant and accordingly the appellant attended enquiry on 28.03.2013 and gave his statement. The gist of his statement is his ancestors hailed from East Godavari District during he time of Nizam Kings rulings and settled at pambakamitta Village, Kothakandriga, Chengalpattu District. Further they shifted to musaliraju Kandriga Village of Sathyaveedu Mandal and in 1960 the village was included in Chittoor District, due to that he is unable to submit recorded evidence of migration of his forefathers. He also states that neither he nor his children got any benefit under ST reservation and he was retired from service as Asst. Commissioner in IT Department.

VI. The Xerox copy of Service Register No. 2228/52, dated 18.06.1952 of Appellant’s father shows the employee name therein as Dhananjayudu whereas the name of appellant father is Dhananjaya Reddy. The individual did not produce the original SR or certified copy from the Head of the Department so the same cannot be given any weightage. More over the name of the appellant’s father recorded in the SR does not tally with that off the father of the appellant.

VII. The copy of Transfer Certificate also cannot be given any weightage as the same is generated based on the declaration given by the parents at the time of admission into the School which will be only continued. So even if the said copy of the T.C. is genuine it cannot be given any weightage.

VIII. As per the judgment rendered by the Hon’ble Supreme Court ïf there is any record for period prior to Independence of our Nation that shall be considered to be true. As the notification of Scheduled Tribes was issued under Constitution of India in the year 1950, the caste notified in the Schedules there under only to be treated as such (SC/ST) as the case may be”. In so far as the hill tribes in agency areas it is safe to hold the same as Scheduled Tribes as all the hill tribes have been listed in the Schedule of the Tribes.

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IX. The appellant who states that his ancestor migrated from East Godavari District has miserably failed to prove the caste of his ancestors OR to prove that they are inhabitants of Tribal area. As the appellant is aware neither he nor his children availed any benefits under ST reservation category. Which itself establishes that the appellant is well aware of the fact that he does not belong to ST Konda Kapu community.

X. The copy of unregistered sale deed which discloses the caste of the appellant also cannot be given any weightage for two reasons 1) it is hit U/s 17 of Registration Act and U/s 54 T.P. Act read with section 49 of registration of Registration Act and section 30 & 35 of Stamp Act. 2) the original of said sale deed is not produced. Therefore the suspicion of creation of the same cannot be ruled out.

XI. Further it is observed that he made lot of exercise to find out truth and genuineness in the caste certificate issued and he also gave ample opportunity to the appellant to produce any record relating to migration or in habitation of ancestors in agency area but he failed to prove the same. Further, a old evidence of Appellant is self defeating.

XII. The burden, on the Appellant U/S 6 is not discharged. By the plain reading of Section 6 of Act 16 of 1993 and Rule 21 of the rules one can understand that the Rule 21 is meant, for the cases where a community certificate is issued by competent authority under Section 4 of A.P. Act 16 of 1993. Obviously the appellant miserably failed to prove that he or his ancestors belong to ST Konda Kapu community. In principle the Govt. is receiving any documents even at the time of argument and considering the same in order to ensure that justice is done to the parties more so to those who complain that reasonable opportunity is not given to them by the primary authority. But, no documents are placed before Govt. though a lot of opportunity was given by way of several adjournments.

XIII. Finally, the Government is of the considered view that the appellant obtained caste certificate fraudulently and he has no iota of evidence to show that, he belongs to ST “Konda Kapu” Community. The appeal is devoid of any merits and the Government did not find any infirmity in the judgment of the respondent/ District Collector, Chittoor.

6. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the Appeal Petition filed by Sri D. Venugopal, S/o Sri D.Dhananjaya Reddy does not deserve any interference. Hence, Proceedings of the District Collector, Kurnool issued vide D.Dis.No.C3/2119/1993, dated 31.07.2013, is hereby upheld and the Appeal Petition filed by Sri D. Venugopal, S/o Sri D.Dhananjaya Reddy, is hereby dismissed and the Certificate issued by the then Tahsildar, Satyavedu, Chittoor District deemed to be cancelled.

7. Consequently, the District Collector, Chittoor shall take necessary action in the matter.

8. The records (containing D.Dis.No.C3/2119/1993, dated 31.07.2013 pages NF: 1 to 64 & CF: 1 to 723) received from the District Collector, Chittoor through 4th read above, are returned herewith in original to the District Collector, Chittoor and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P.SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Chittoor (w.e)
(with original records)

[Contd…]

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S/o D.Dhananjaya Reddy,
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Copy to :

The Director, TCR& TI, AP, Hyderabad.
The PS to M(SWE& TWE).
The PS to Prl. Secretary(TW)

// FORWARDED:: BY ORDER //

SECTION OFFICER